

Dispute Resolution

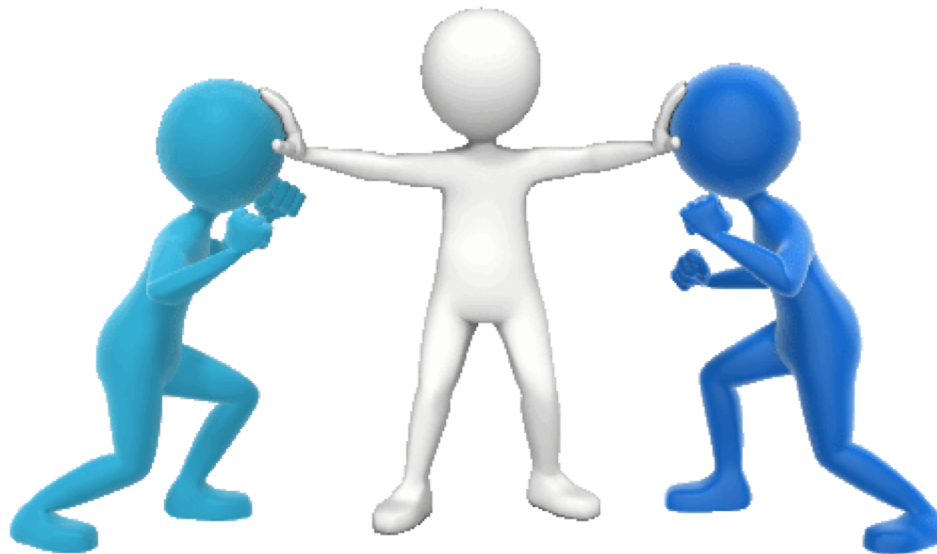


presented by

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The McKinney-Vento Act requires every State to include in its State plan a description of procedures for the prompt resolution of disputes regarding the educational placement of children and youth experiencing homelessness [42 U.S.C. § 11432(g)(1)(C)].



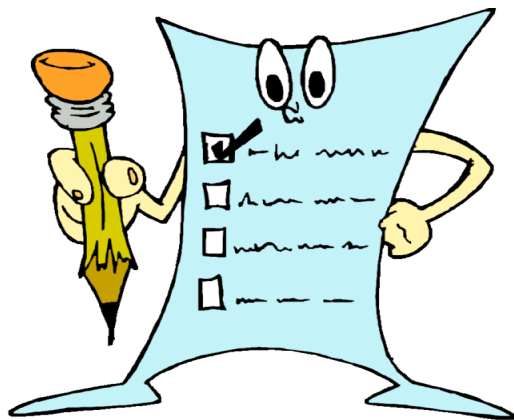
LEA REQUIREMENTS

If a dispute arises under the McKinney-Vento Act over eligibility, school selection, or school enrollment [42 U.S.C. 11432(g)(3)(E)], the Act requires LEAs to take the following steps:

1. The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals [42 U.S.C. § 11432(g)(3)(E)(i)]. In the case of an unaccompanied youth, the local homeless education liaison (hereafter *local liaison*) must ensure that the youth is enrolled immediately in the school in which the youth seeks enrollment pending final resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(iv)]. While disputes are pending, students have the right to participate fully in school and receive all services for which they are eligible (U.S. Department of Education, 2017, p 35), as the definition of enrollment includes “attending classes and participating fully in school activities” [42 U.S.C. § 11434a(1)].



2. The parent, guardian, or unaccompanied youth must be provided with a written explanation of any dispute-related decisions made by the school, LEA, or SEA involved, including the right of the parent, guardian, or unaccompanied youth to appeal such decisions [42 U.S.C. § 11432(g)(3)(E)(ii)]. The LEA must provide this written explanation, including the reasons for its determination and information regarding the right to appeal, in a manner and form understandable to the parent, guardian, or unaccompanied youth [42 U.S.C. § 11432(g)(3)(B)(iii)]. In the case of an unaccompanied youth, the local liaison must ensure that this written notice is provided directly to the youth [42 U.S.C. § 11432(g)(3)(B)(iv)].



3. The parent, guardian, or unaccompanied youth must be referred to the local liaison, who will carry out the dispute resolution process described in the State McKinney-Vento plan as expeditiously as possible after receiving notice of the dispute [42 U.S.C. § 11432(g)(3)(E)(iii)]. The local liaison must be familiar with the State's McKinney-Vento dispute resolution process and follow all procedures outlined therein.

The Dispute Resolution Form is located on the ADE's website.

LEA-LEVEL STRATEGIES

Avoid disputes when possible by:

- ☐ Training school staff members on the provisions of the McKinney-Vento Act, and their responsibilities for enrolling and serving children and youth experiencing homelessness;
- ☐ Communicating in person with parents, guardians, and unaccompanied youth to try to diffuse disagreements before they reach the level of a formal dispute; and
- ☐ Training school staff members on trauma-informed approaches

Provide written notice to parents, guardians, or unaccompanied youth when they disagree with a school's or LEA's decision.

Provide parents, guardians, and unaccompanied youth with assistance with the dispute process, as needed.

Gather information in ways that do not harass or intimidate parents, guardians, or unaccompanied youth, and do not violate privacy guidelines, including those specified in the the Family Educational Rights and Privacy Act (FERPA; 20 U.S.C. § 1232g) and any other applicable Federal or State laws.

Keep thorough documentation of all dispute-related communication with parents, guardians, or unaccompanied youth.

During the dispute process, follow up with the school selected by the parent, guardian, or unaccompanied youth to ensure that the student is enrolled and receiving all services for which the student is eligible, including transportation to and from the school of origin.



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